

**IN THE SUPREME COURT OF THE STATE OF MONTANA****DA 10-0161**

BNSF RAILWAY COMPANY,  
Appellant/Petitioner,

vs.

CHAD CRINGLE and MONTANA DEPARTMENT OF LABOR, HUMAN  
RIGHTS COMMISSION,

Appellees/Respondents.

Re: District Court Case No.: BDV-2009-1016

**FAX - FILED**

JUN 01 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

---

**BNSF'S MOTION FOR EXTENSION OF TIME  
TO FILE OPENING BRIEF**

---

Jeff Hedger  
Benjamin O. Rechtfertig  
HEDGER FRIEND, P.L.L.C.  
2800 Central Avenue, Suite C  
Billings, MT 59102  
Telephone: (406) 896-4100  
Facsimile: (406) 896-4119

Attorneys for Appellant/Petitioner,  
BNSF Railway Company

Marieke Beck  
Department of Labor & Industry  
P.O. Box 1728  
Helena, MT 59624-1728  
Telephone: (406) 444-2917  
Facsimile: (406) 444-1394

Attorney for Appellee/Respondent  
Department of Labor & Industry  
and Human Rights Commission

Terry N. Trieweiler, Attorney  
TRIEWEILER LAW FIRM  
309 Wisconsin Ave.  
P.O. Box 5509  
Whitefish, MT 59937  
Telephone: (406) 862-4597  
Facsimile: (406) 862-4685

Attorney for Appellee/Respondent,  
Chad Cringle

COMES NOW Appellant BNSF Railway Company ("BNSF") and files this Motion for Extension of Time to File its Opening Brief pursuant to Rule 26(1), M.R.App.P. BNSF requests a 30 day extension, from June 7, 2010, to July 7, 2010, in which to file its opening brief. This is BNSF's first request for an extension in this matter.

The reason for this request is twofold. First, counsel for BNSF has a trial commencing June 7, 2010, the day BNSF's opening brief is due. Second, BNSF currently has pending a request for relief from the District Court's denial of BNSF's motion to stay execution of judgment. The outcome of BNSF's request for relief may have an effect on how BNSF proceeds in this matter.

Counsel for Cringle and the Department have been contacted. Counsel for Cringle objects to the extension request and as of the time of the filing of this Motion, BNSF has not heard back from counsel for the Department. A proposed order is enclosed.

DATED this 1st day of June, 2010

HEDGER FRIEND, PLLC

By: 

Benjamin O. Rechtfertig  
Attorney for BNSF Railway Company

## CERTIFICATE OF SERVICE

I do hereby certify that I have faxed a true and correct copy upon the Clerk of the Montana Supreme Court on June 1, 2010 at 4:07 p.m. and have served a true and correct copy of the foregoing ***BNSF'S MOTION FOR EXTENSION OF TIEM TO FILE OPENING*** BRIEF upon individual(s) listed below by the following means:

Ed Smith, Clerk of MT Supreme Court  
MONTANA SUPREME COURT  
P.O. Box 203003  
Helena, Montana 69620-3003

☒ U.S. Mail  
☒ Facsimile  
☐ Express Mail  
☐ Hand Deliver  
☐ Email

Terry Trieweiler  
TRIEWEILER LAW FIRM  
P.O. Box 5509  
Whitefish, Montana 59937-5509

☒ U.S. Mail  
☐ Facsimile  
☐ Express Mail  
☐ Hand Deliver  
☐ Email

Marieke Beck  
Department of Labor & Industry  
Human Rights Commission  
P.O. Box 1728  
Helena, Montana 59624-1728

☒ U.S. Mail  
☐ Facsimile  
☐ Express Mail  
☐ Hand Deliver  
☐ Email

DATE: June 1, 2010

A handwritten signature in black ink, appearing to be "J. Smith", written over a horizontal line.